

SOUTHERN ENVIRONMENTAL LAW CENTER

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May 21, 2014

VIA Electronic Mail

U.S. Environmental Protection Agency
Region 4 Freedom of Information
SNAFC Bldg
61 Forsyth Street, S.W., 9th Floor
Atlanta, Georgia 30303-8960

Re: Freedom of Information Act Request – Rayonier Jesup Mill

To Whom It May Concern:

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center (SELC) requests all documents in the possession or control of the U.S. Environmental Protection Agency (EPA) that relate Rayonier Jesup Mill's NPDES Permit No. GA0003620 issued by Georgia Environmental Protection Division (EPD) on May 25, 2001 (the Permit). The documents requested include but are not limited to:

- Any documents, analyses, comments, and correspondence relating to EPD's issuance of the Permit in 2001;
- Any documents, analyses, comments, and correspondence relating to any administrative extension of the Permit since 2001;
- Any documents, analyses, comments, and correspondence relating to the 2008 consent order between EPD and Rayonier concerning the Jessup Mill's discharges under the Permit;
- Any documents, analyses, comments, and correspondence relating to the color or odor of the discharges under the Permit;
- Any documents, analyses, comments, and correspondence relating alleged violations of the Permit.
- Any documents, analyses, comments, and correspondence relating to the new, proposed NDPES permit for Rayonier Jesup Mill that is currently being processed by EPD.
- Any other documents relating to the Permit.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas,

directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the EPA.

FOIA directs a responding agency to make a “determination” on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. *See* 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be “liberally construed” in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D. Colo. 1994); *Etlinger v. FBI*, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the “roadblocks and technicalities which have been used by various Federal agencies to deny waivers....” *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 20 years of experience disseminating public information regarding EPA regulatory and operations issues. *See* 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (*See e.g.*, “Known Flaws Sunk Savannah Harbor Project with South Carolina” http://www.southernenvironment.org/newsroom/press_releases/known_flaws_sunk_savannah_harbor_project/.) Lawyers at SELC are interviewed by the media to explain their work and its significance. (*See, e.g.*, “Corps warns it may ignore S.C. to deepen Savannah harbor,” *The State*, October 18, 2011, <http://www.thestate.com/2011/10/18/2013263/corps-warns-it-may-ignore-sc-to.html#ixzz1b9GgflEy>.) SELC’s website contains documents generated by SELC for the specific purpose of educating the public on particular issues. (*See e.g.*, “Savannah Harbor Deepening: Costly River Deepening Unrelated to Port Business,” http://www.southernenvironment.org/cases/port_expansions_a_race_to_the_bottom/.) SELC also speaks at conferences on particular topics. (*See, e.g.*, Center for Sustainable Coast Savannah Harbor Conference, May 26, 2010). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not in our commercial interest.

May 21, 2014

Page 3

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$100. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at 404-521-9900. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Nathaniel H. Hunt". The signature is written in a cursive style with a horizontal line extending from the end.

Nathaniel H. Hunt
Staff Attorney